

APPENDIX A—Continued

- b. IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES,"
DOES THE RFP PROCESS PROMOTE THIS INTEREST?

YES X NO

- c. WAS "FINANCIAL QUALIFICATIONS" A SHAM USED BY
DEFENDANTS AS A PRETEXT FOR JUSTIFYING THEIR RFP
PROCESS?

YES NO X

SPECIAL VERDICT NO. 17

- a. DOES THE PUBLIC HAVE A SIGNIFICANT INTEREST IN THE
TECHNICAL QUALIFICATIONS OR BACKGROUND OF ANY
COMPANY CONSTRUCTING OR OPERATING A CABLE TELEVISION
SYSTEM IN SACRAMENTO? (THE PUBLIC'S INTEREST IS
SIGNIFICANT IF, AMONG OTHER THINGS, CONSUMERS WOULD
RECEIVE REDUCED LEVELS OF CABLE SERVICES AND
TECHNOLOGY IF GOVERNMENT DID NOT INQUIRE INTO THE
TECHNICAL CAPABILITIES OF CABLE OPERATORS.)

YES X NO

APPENDIX A—Continued

- b. IF YOUR ANSWER TO THE PRECEDING QUESTION IS "YES,"
DOES THE RFP PROCESS PROMOTE THIS INTEREST?
YES _____ NO X

- c. WAS "TECHNICAL QUALIFICATIONS" A SHAM USED BY
DEFENDANTS AS A PRETEXT FOR JUSTIFYING THEIR
RFP PROCESS?
YES _____ NO X

SPECIAL VERDICT NO. 18

UNDER THE INSTRUCTIONS ON DAMAGES GIVEN TO YOU, WHAT
AMOUNT OF DAMAGES, IF ANY, SHOULD BE AWARDED TO PLAINTIFF?

APPLICATION FOR RENEWAL OF LICENSE FOR
COMMERCIAL AND NONCOMMERCIAL AM, FM OR TV BROADCAST STATION

For <u>Commission</u> Fee Use Only	FEE NO:	For <u>Applicant</u> Fee Use Only
	FEE TYPE:	
	FEE AMT:	
	ID SEQ:	
For <u>Commission</u> Use Only: File No. <u>BRCT-9106034</u>		Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		If No, indicate reason therefor (check one box): <input type="checkbox"/> Nonfeeable application Fee Exempt (See 47 C.F.R. Section 1.1112) <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity

1. Name of Applicant <u>Scripps Howard Broadcasting Company</u>			4. Have the following reports been filed with the Commission: (a) The Broadcast Station Annual Employment Reports (FCC Form 395-B) as required by 47 C.F.R. Section 73.3612? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, attach as Exhibit No. _____ an explanation. (b) The applicant's Ownership Report (FCC Form 323 or 323-E) as required by 47 C.F.R. Section 73.3615? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, give the following information: Date last ownership report _____ Call letters of station for which it was filed _____
Mailing Address <u>6400 York Road</u>			
City <u>Baltimore</u>	State <u>MD</u>	ZIP Code <u>21212</u>	
2. This application is for: <input type="checkbox"/> AM <input type="checkbox"/> FM <input checked="" type="checkbox"/> TV			
(a) Call Letters: <u>WMAR-TV</u>		(b) Principal Community: City <u>Baltimore</u> State <u>MD</u>	REC'D MASS MEDIA BUR JUN 6 1991 VIDEO SERVICES
3. Attach as Exhibit No. <u>N/A</u> an identification of any FM station or TV booster station for which renewal of license is also requested.			

5. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? ☒ Yes ☐ No

If No, attach as Exhibit No. _____ an explanation.

6. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination? ☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ a full description of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers) and the disposition of the litigation.

7. Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact? ☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ an Environmental Assessment required by 47 C.F.R. Section 1.1311.

If No, explain briefly why not. See RF Report, attached.

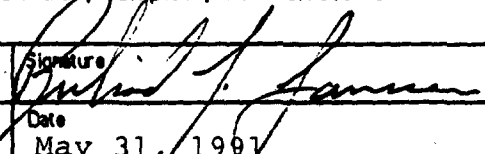
8. Has the applicant placed in its station's public inspection file at the appropriate times the documentation required by 47 C.F.R. Sections 73.3526 or 73.3527? ☒ Yes ☐ No

If No, attach as Exhibit No. _____ a complete statement of explanation.

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION: I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Richard J. Janssen	Signature	
	President and CEO	Date	May 31, 1991

FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.

ANOTHER SACRAMENTO OVERBUILD?

Summary: The latest lawsuit in Sacramento, CA, is over a franchise application filed Jan. 11 by Cable America for a license to overbuild Scripps Howard (SH) in a 5,900-home area called Rancho Cordova.

The application was approved in Feb. even though it lacks the same universal (city/countwide) service requirements imposed on other providers.

SACRAMENTO RATE CLASS ACTION (continued from P. 3)

The complaint alleges unfair business practices, locality discrimination and local ordinance violations. In response, SH challenges whether subscribers have standing and are entitled to injunctive relief and damages. SH also raised statute of limitations and Cable Act preemption issues.

SH argues that only competitors, not consumers, have standing to sue over locality discrimination and that the present suit could lead to duplicate damages in light of the prior settlements.

Under a California Supreme Court ruling, said SH, the state's unfair competition statute addresses horizontal pricing and "protects only first-line competition against predatory price cutting."

The statute does not make price discrimination illegal when injury occurs in second- or third-line competition at the buyer level or lower. In this case, said SH, that's the level of consumers.

SH goes on to argue that the 1984 and 1992 cable Acts bar all class claims seeking damages and restitution of past overcharges based on the difference between what they paid and "competitive" rates.

In order to obtain such relief, said SH, the court or jury will have to determine a specific price SH should have charged in the noncompetition area, but establishing such a charge in essence constitutes rate regulation.

Said SH: "Plaintiffs are invoking state statutes and municipal ordinances to accomplish indirectly a result directly forbidden by the Cable Act-regulation of basic cable rates..."

Citing *Storer Cable Comm. v. City of Montgomery*, 806 F.Supp. 1518 (M.D.Ala. 1992), SH said claims based on price discrimination and unfair competition statutes constitute attempts to regulate cable TV rates and are preempted by sec. 543 of the Cable Act of 1984.

Scripps Howard is represented by Jack Fudge, Penny Costa, James Clark and Marc Flink of the Los Angeles and Denver offices of Baker & Hostetler and by Daniel McVeigh of Sacramento-based Downey Brand Seymour & Rohwer.

The class action plaintiffs are represented by Walnut Creek, CA-based Farrow Bramson Chavez & Baskin and by Weintraub, Genshlea & Sproul.

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11 Attorneys for Petitioner and Plaintiff
12 SACRAMENTO CABLE TELEVISION
13

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 IN AND FOR THE COUNTY OF SACRAMENTO

373749

14 SACRAMENTO CABLE TELEVISION.

) CASE NO. [REDACTED]

1 cable television franchises known as the "Cable Television
2 Ordinance." The Cable Television Ordinance was enacted as
3 Ordinance No. SCC 488 by the County, Ordinance No. 81-103 by the
4 City of Sacramento, Ordinance No. 467 by the City of Folsom, and
5 Ordinance No. 81-18 by the City of Galt, and has been amended from
6 time to time. The Cable Television Ordinance created the
7 Commission as a public entity separate and apart from the County
8 and the Cities.

9 6. Under the provisions of the Cable Television
10 Ordinance, an initial, non-exclusive cable television franchise was
11 to be awarded by the governing bodies of the County and the Cities
12 for an area within the boundaries of the County and the Cities
13 described as the "Imposed Service Area." Under the Cable
14 Television Ordinance, the holder of the initial, non-exclusive
15 cable television franchise was required to install a cable
16 television system throughout the entirety of the Imposed Service
17 Area.

18 7. Pursuant to the provisions of the Cable Television
19 Ordinance, the County and the Cities issued a request for proposals
20 for the award of an initial, non-exclusive cable television
21 franchise to be built throughout the Imposed Service Area. After
22 conducting various meetings and hearings on the proposals and
23 considering reports prepared by a consultant retained by the
24 County, the Commission selected United Tribune Cable of Sacramento
25 as the tentative franchisee, and prepared terms and conditions for
26 the franchise. United Tribune did not accept the franchise as
27 offered.

1 8. In or about July of 1983, a second request for
2 proposals was issued. Four companies submitted proposals,
3 including SCT's predecessor, Cablevision of Sacramento. Following
4 additional meetings and public hearings, in or about November of
5 1983, the Commission adopted a resolution ("the Franchise
6 Resolution") offering the initial non-exclusive franchise to
7 Cablevision of Sacramento. (Cablevision of Sacramento changed its
8 name to Sacramento Cable Television ("SCT") in 1985.)

9 9. Under the provisions of the Franchise Resolution,
10 SCT had no discretion as to what areas of the County or Cities to
11 serve. Rather, SCT was obligated to construct cable plant and
12 provide cable television service to the entire Imposed Service
13 Area, as defined in the Cable Television Ordinance, without regard
14 to the profitability or lack thereof of conducting operations
15 within any particular portion of the Imposed Service Area. SCT was
16 obligated to construct cable plant and provide cable television
17 service in high-income and low-income areas at the same pace and,
18 with certain limited exceptions, to charge a uniform rate for cable
19 service throughout the Imposed Service Area. SCT was also
20 obligated to maintain specified technological standards throughout
21 the cable system, and to provide certain public, educational, and
22 governmental access.

23 10. On or about January 26, 1988, the Franchise
24 Resolution was amended and superseded by the Amended and Restated
25 Resolution of the Board of Directors of the Sacramento Metropolitan
26 Cable Television Commission Regarding Initial Cable Television
27 Franchise ("the Amended Franchise Resolution"), which did not,
28

1 however, change the obligation to provide universal service within
2 the Imposed Service Area.

3 11. SCT accepted the Franchise Resolution and Amended
4 Franchise Resolution as offered, including the requirement that
5 universal service be provided throughout the Imposed Service Area.
6 Beginning in 1984, SCT has expended more than two hundred million
7 dollars making cable television service available to nearly every
8 home and residence within the Imposed Service Area.

9 12. In or about September of 1989, the California
10 legislature enacted and amended Section 53066, et seq., of the
11 Government Code, a statute to prohibit the construction of a cable
12 television system without a franchise and to regulate the granting
13 of additional cable television franchises by local government
14 bodies within the State. Section 53066.3(d) provided:

15 "Any franchise to provide cable television
16 service in an area already franchised and
17 served by an existing cable operator shall
18 require the franchisee to wire and serve the
19 same geographical area, and shall contain the
20 same public, educational, and governmental
21 access requirements that are set forth in the
22 existing franchise."

23 13. In or about July of 1990, Section 53066.3(d) was
24 amended to limit its requirements to those situations where the
25 applicant seeks to obtain an additional franchise in an area in
26 which a franchise has already been granted and the existing cable
27 operator is actually providing service or certifies to the
28 franchising authority that it is ready, willing, and able to

1 provide service. The amendment also required the additional
2 franchisee to wire and serve the geographical area of the existing
3 cable operator within a reasonable time, and in a sequence which
4 does not discriminate against lower income or minority residents.

5 Section 53066.3(d) now provides:

6 "Any additional franchise granted to provide
7 cable television service in an area in which a
8 franchise has already been granted and where an
9 existing cable operator is providing service or
10 certifies to the franchising authority that it
11 is ready, willing, and able to provide service,
12 shall require the franchisee to wire and serve
13 the same geographical area within a reasonable
14 time and in a sequence which does not
15 discriminate against lower income or minority
16 residents, and shall contain the same public,
17 educational, and governmental access
18 requirements that are set forth in the existing
19 franchise. This subdivision does not apply
20 where all existing cable operators certify to
21 the franchising authority that they do not
22 intend to provide service within a reasonable
23 time to the area to be initially served by the
24 additional franchise."

25 This amendment retained the essential requirement that any
26 applicant for a cable television franchise within an area where an
27 existing franchisee is providing service must agree to serve the
28 same geographical area as the existing franchisee.

1 14. Prior to the enactment and amendment of
2 Section 53066, at seq., in or about July of 1987, the Cities and
3 the County adopted a Cable Television Licensing Ordinance ("the
4 Licensing Ordinance") to establish a plan for the licensing of
5 additional cable television services within the County and Cities.
6 Thereafter, the Licensing Ordinance was amended from time to time.
7 The Licensing Ordinance, as amended and presently constituted,
8 requires that any applicant for a cable television license or
9 franchise within the County or City provide:

10 "(a) a clear description of the identity
11 of the applicant, including but not limited to
12 the name of the applicant, the address of the
13 applicant, the nature of business entity;

14 "(b) copies of the policy or policies of
15 liability insurance, including comprehensive
16 general liability insurance products completed
17 operations liability, personal injury
18 liability, owners and contractors protective
19 liability, broad form property damage,
20 contractual liability, automobile liability
21 (owned; non-owned and hired automobiles),
22 workers compensation and employer liability
23 required by section 5.75.604;

24 "(c) (1) a clear description of the
25 boundaries of the precise geographic area for
26 which applicant seeks a License ('License
27 Area') defining the area by metes and bounds in
28 terms of street name and direction or (2) a map

1 or maps of a scale of not less than one inch
2 (1") equals one thousand feet (1000') showing
3 the License Area boundaries; and

4 "(d) a calculation and certification of
5 the initial penal sum of the performance bond
6 which will be provided prior to the initiation
7 of construction pursuant to section 5.75.600 or
8 the election of the applicant to provide the
9 alternative performance bond specified by
10 section 5.75.601."

11 15. Under the provisions of the Licensing Ordinance, the
12 Commission is charged with final decision-making authority on all
13 license applications, and "shall issue all Licenses for which
14 applications are received" which comply with the provisions set
15 forth above unless "any License theretofore issued to any
16 affiliate, subsidiary or parent of the Licensee or any other person
17 or entity in which the Licensee has a financial interest or which
18 has a financial interest in the Licensee shall be thereupon in
19 default as to any provision of this Chapter or as to any provision
20 of any License issued hereunder."

21 16. The Licensing Ordinance, both as enacted and as
22 amended, fails to make reference to Section 53066.3(d) of the
23 Government Code, nor does it require any applicant for a cable
24 television license or franchise to comply with the provisions of
25 Section 53066.3(d).

26 17. On or about January 11, 1993, real party in interest
27 CableAmerica, submitted an application to the Commission for a
28

1 cable television franchise license. The application was for the
2 area described as:

3 "Begining [sic] at the intersection of
4 Kiefer Blvd. and Jackson Road, move east to
5 Latrobe Road. Next, move north northeast on
6 Latrobe Road to the Sacramento/El Dorado County
7 Lines. Next, move north following the
8 Sacramento County Line to the El Dorado Freeway
9 (Rte. 50). Next, move west on the El Dorado
10 Freeway to the intersection of Hazel Ave. and
11 the El Dorado Freeway. Next, move north on
12 Hazel Ave. to the American River. Next, move
13 in a westerly direction following the American
14 River to the point at which the American River
15 and Watt Ave. intersect. Next, move south on
16 Watt Ave. to the intersection of Watt Ave. and
17 Florin Road. Watt Ave. now becomes Elk Grove
18 Florin Road at this point. Continue south on
19 Elk Grove Florin Road to Stockton Blvd. Next,
20 move south southeast to the intersection of
21 Stockton Blvd. and Grant Line Road. Next, move
22 northeast on Grant Line Road to the
23 intersection of Grant Line Road and Bradshaw
24 Road."

25 18. A significant portion of the CableAmerica license
26 area covers an area within which a franchise has already been
27 granted to SCT. Said area is within the boundaries of the area for
28 which SCT was obligated to construct cable plant and provide cable

1 television service by virtue of the Cable Television Ordinance, the
2 Franchise Resolution, and the Amended Franchise Resolution, and
3 within which SCT is currently providing service.

4 19. CableAmerica did not propose or agree to serve the
5 same geographical area as SCT is obligated to serve. Nevertheless,
6 on or about February 4, 1993, pursuant to the provisions of the
7 Licensing Ordinance, the Commission approved the license
8 application of CableAmerica by Resolution No. 93-001. In approving
9 the license application the Commission did not require that
10 CableAmerica agree to wire and serve the same geographical area as
11 is served by SCT under its existing franchise. Further, SCT is
12 informed and believes that in granting the license application, the
13 Commission did not impose the same public, educational, and
14 governmental access requirements as were imposed on SCT. This
15 action was in direct violation of the provisions of
16 Section 53066.3(d) of the Government Code.

17 20. By awarding an additional cable television franchise
in 1993, when a franchise had already been awarded to SCT and

1 particular portion of the Imposed Service Area. SCT will suffer
2 prejudice, and CableAmerica and other companies will enjoy an
3 unfair competitive advantage, if CableAmerica or other companies
4 are able to carve out for themselves the more desirable areas of
5 SCT's franchise and if they are permitted to construct and operate
6 a cable television system at vastly less expense within those
7 limited areas.

8 22. CableAmerica has informed SCT that it will begin
9 construction of its cable plant within 45 to 60 days, and has
10 demanded that SCT immediately begin preparation of all make-ready
11 requirements that might be required to facilitate CableAmerica's
12 attachment to utility poles in SCT's license area. SCT will suffer
13 substantial cost and expense if it is forced to comply with this
14 request.

15 COMPLAINT

16 FIRST CAUSE OF ACTION

17 (for Declaratory Relief)

23. Petitioner and plaintiff SCT refers to the

1 25. SCT desires a declaration that the Licensing
2 Ordinance is void insofar as it permits or requires the granting of
3 cable television licenses without regard to the requirements of
4 Section 53066.3(d) of the Government Code.

5 26. Such a declaration is necessary and appropriate at
6 this time under the circumstances in order that the parties may
7 ascertain their rights and duties under the Licensing Ordinance and
8 Section 53066.3(d) of the Government Code.

9 SECOND CAUSE OF ACTION

10 (for Injunctive Relief)

11 27. Petitioner and plaintiff SCT refers to the
12 allegations of paragraphs 1 through 22 above, and by this reference
13 incorporates the same herein as though fully set forth at length.

14 28. Enforcement of the Licensing Ordinance as currently
15 enacted would result in irreparable injury to SCT in that SCT has
16 already built and installed cable plant throughout the Imposed
17 Service Area without regard to cost and profitability. SCT will
18 suffer prejudice, and CableAmerica and other companies will enjoy
19 an unfair competitive advantage, if CableAmerica or other companies
20 are able to carve out for themselves the more desirable areas of
21 SCT's franchise and if they are permitted to construct and operate
22 a cable television system at vastly less expense within those
23 limited areas.

24 PRAYER

25 WHEREFORE, petitioner and plaintiff SCT prays:

26 1. That a peremptory writ of administrative mandate
27 issue pursuant to Code of Civil Procedure § 1094.5, directed to the
28 Commission, compelling the Commission to comply with Section

1 53066.3(d) of the Government Code and adopt a resolution vacating
2 Resolution No. 93-001 dated February 4, 1993, approving the license
3 application of real party in interest CableAmerica in violation of
4 Section 53066.3 of the Government Code, or to take such other
5 appropriate action as will accomplish this result;

6 2. Or, in the alternative, that a peremptory writ of
7 mandate issue pursuant to Code of Civil Procedure § 1085, directed
8 to the Commission, and compelling the Commission to comply with
9 Section 53066.3 of the Government Code and adopt a resolution
10 vacating Resolution No. 93-001 dated February 4, 1993, in which
real party in interest CableAmerica was granted permission to

1 6. For such other and further relief as this Court may
2 deem just and proper.

3 Dated: March 5, 1993

4 DANIEL J. McVEIGH
5 DOWNEY, BRAND, SEYMOUR & ROHWER

6 JACK D. FUDGE
7 MERI A. deKELAITA
8 PENNY M. COSTA
9 BAKER & HOSTETLER

10 Meri A. deKelaita
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12 Attorneys for Petitioner and
13 Plaintiff SACRAMENTO CABLE TELEVISION

VERIFICATION

I, R. Kim Rueckert, hereby declare as follows:

I am the General Manager of petitioner and plaintiff herein, Sacramento Cable Television ("SCT"), and am authorized to make this verification for and on its behalf. I have read the foregoing Complaint Of Sacramento Cable Television For Injunctive And Declaratory Relief And Petition For Writ Of Administrative Mandate (C.C.P. § 1094.5) Or Writ Or Mandate (C.C.P. § 1085) and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed March 8, 1993, at Sacramento, California.


R. Kim Rueckert

TELESCRIPPS SUES GLASGOW, KY

In the newest challenge to city ownership, TeleScripps is suing Glasgow, KY, the city's Electric Plant Board, the mayor and 12 councilmen. *TeleScripps Cable Co. v. City of Glasgow*, C-88-0169BG(M) (W.D.Ky, filed 11/4/88).

TeleScripps claims the award of a franchise to the city's Electric Plant Board violates the KY TVA Act, the U.S. TVA Act and the KY Constitution.

The complaint also contains breach-of-contract, misrepresentation and antitrust counts relating to a 1/11/88 RFP for a second franchise and the subsequent issuance of a franchise to the Glasgow Electric Plant Board (EPB).

On 1/25/88, following receipt of two bids, one from the EPB and the other from Wyatt Enterprises, the council passed the first reading of an ordinance awarding a second franchise to the EPB.

TeleScripps claims the EPB's proposal failed to address the need for a second franchise, financing, the impact of duplicate services, a construction timetable, technical standards, PEG access channels and franchise fees.

The KY TVA Act, according to TeleScripps, doesn't authorize the construction or operation by the EPB of a private, non-essential business.

Another count alleges that the KY TVA Act requires a referendum vote before a city issues bonds for an electric plant or a cable system.

The federal TVA Act promotes the lowest possible electric rates. By using electric service revenue as collateral for a bond issue to build a cable system, the city violates the U.S. TVA Act too, said the complaint.

The KY Constitution requires a city to award a franchise to the "highest and best bidder." Glasgow's contract with TeleScripps implies the parties will not impair the obligations and rights under the contract.

TeleScripps' version

TeleScripps said that, in 1983, it spent \$500,000 on an upgrade, following city threats to revoke TeleScripps' predecessor's franchise.

The suit's misrepresentation count alleges that the city failed to give notice at that time that TeleScripps would not be given a full opportunity to recoup its investment.

A restraint-of-trade count emphasizes Glasgow's control of its own utility poles. TeleScripps is seeking a declaratory judgment that Glasgow lacks authority to operate a cable system and a preliminary injunction to halt the financing of the system.

In a 12/12 answer, the city asked the court to dismiss seven of the eight counts and to grant the defendants summary judgment on the other count.

Glasgow contends that TeleScripps lacks standing to enforce the TVA Act counts and that TeleScripps cannot allege that it has a right under the KY TVA Act, or any other law, to be free from competition.

The city further claims that no contract exists between Glasgow and TeleScripps; it's a mere license and doesn't guarantee that no other authorizations will be issued, said the city.

TeleScripps claims that, when it rebuilt the system in 1983, the city didn't indicate the company would not be allowed to recoup its investment.

Glasgow says it had no plans to award a second franchise and no duty to provide TeleScripps with an opportunity to recoup its investment.

Burt Braverman of Cole, Raywid & Braverman represents TeleScripps; Randy Young of Miller, Young & Holbrooke represents the EPB and Glasgow; Uhel Barrickman represents the EPB; and H. Jefferson Herbert represents the city.